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5 Counsel for Defendant
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 10-0839 RS
12 Plaintiff,)
13 vs.) **STIPULATION TO CONTINUE
14 RODRIGO AKE-MEDINA,) STATUS CONFERENCE and
15 Defendants.) [Proposed] ORDER**

17 Defendants Rodrigo Ake-Medina is scheduled to appear in the above-captioned matter for
18 a status conference on May 3, 2011 at 2:30 p.m.

19 Defendant Ake-Medina is charged in a single count indictment alleging Illegal Reentry by
20 a Removed Alien.

21 On April 5, 2011 counsel substituted in as defendant's new counsel. Defendant's file
22 contains in excess of 500 pages of case documents. Counsel requires additional time to complete
23 review of the file and to continue meeting with defendant to provide effective and competent
24 representation. Counsel has explained the above to AUSA Lowell Powell and the government
25 has no objection to defendant's request for additional time to prepare.

26 The requested continuance will allow time for counsel for Ake-Medina to complete

1 additional legal and factual research. Because the defendant remains in custody and requires the
2 assistance of a Spanish interpreter and Glen Dyer Detention has only limited time blocks for
3 attorney visits, this process is extremely time-consuming.

4 The failure to grant such a continuance would unreasonably deny counsel the time
5 necessary for effective preparation, taking into account the exercise of due diligence and would
6 infringe on defendant's right to effective representation and continuity of counsel.

7 The parties stipulate and agree that the time from May 3, 2011 through May 31, 2011
8 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
9 3161(h)(7)(A) on the basis that the ends of justice are served by taking such action which
10 outweigh the best interest of the public and the defendant in a speedy trial, and, also
11 under subsection (B)(iv) for continuity of counsel and for effective preparation of counsel.

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13 DATED: April 29, 2011

14 _____/s/
15 Lowell Powell
16 Assistant United States Attorney

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18 DATED: April 29, 2011

19 _____/s/
20 GARRICK LEW
21 Counsel for Defendant Ake Medina

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23 [Proposed] ORDER

24 GOOD CAUSE APPEARING, and pursuant to the stipulation of the government and
25 defendant Rodrigo Ake Medina,

26 IT IS HEREBY ORDERED that the status conference date in this case, currently
27 scheduled for May 3, 2011 before the Honorable Richard Seaborg, is VACATED and RESET to
28 May 31, 2011 at 2:30 p.m.

29 IT IS FURTHER ORDERED that the time from May 3 through May 31, 2011, shall be

1 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
2 and (B)(iv) for adequate preparation of counsel and continuity of counsel. The Court finds that
3 the ends of justice served by the granting of the continuance outweigh the best interests of the
4 public and the defendant in a speedy and public trial and the failure to grant the requested
5 continuance would unreasonably deny continuity of counsel and would deny counsel the
6 reasonable time necessary for effective preparation, taking into account due diligence, given the
7 need for additional legal and factual research, investigation, and review of discovery.

8 SO ORDERED.

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10 DATED: 5/2/11


RICHARD SEEBORG
United States District Judge

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